

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MASTERFILE CORPORATION,

Plaintiff,

against

VISION REAL ESTATE GROUP, LLC d/b/a
EQUINET PROPERTIES AND AMIR
YERUSHALMI,

Defendants.
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COMPLAINT

Case No.



Plaintiff, Masterfile Corporation ("Masterfile"), by its attorneys Cowan, DeBaets, Abrahams, & Sheppard, LLP, for its complaint against defendant, Vision Real Estate Group, LLC d/b/a Equinet Properties and Amir Yerushalmi ("Defendants"), allege as follows:

JURISDICTION AND VENUE

1. This claim arises under the provisions of the Copyright Act of the United States, as amended, 17 U.S.C. § 101 et seq., and is for infringement of a copyright registered in the Copyright Office of the United States.

2. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) and (b), and personal jurisdiction over Defendants pursuant to N.Y. CPLR §§ 301 and 302.

3. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) and (c) because a substantial part of the events or omissions giving rise to the claims herein occurred here, and, on information and belief, Defendants reside in this judicial district.

PARTIES

4. Plaintiff is a well known stock photography company residing at 175 Bloor Street East, South Tower, Second Floor, Toronto, Ontario, Canada M4W 3R8 with offices at 245 Park Avenue, 39th Floor, Suite 74, New York, NY 10167. Plaintiff is in the business of licensing reproduction rights in images to users for a fee.

5. Upon information and belief, Defendant Vision Real Estate Group, LLC, d/b/a Equinet Properties, is a New York limited liability company having offices and a principal place of business at 350 5th Avenue, Suite 5122, New York, New York, 10118.

6. Upon information and belief, Defendant Amir Yerushalmi was and is at all relevant times President and CEO of Defendant Vision Real Estate Group, LLC d/b/a Equinet Properties, a resident of this district, and is doing business in this judicial district.

7. Upon information and belief, Defendants are engaged in the business of real estate, and provide their services and products to clients in New York, and solicit clients in New York through the following website owned and developed by Defendants (the "Website"): www.equinetproperties.com.

PERSONAL LIABILITY OF DEFENDANTS

8. Defendant Amir Yerushalmi, as President and CEO of Defendant Vision Real Estate Group, LLC d/b/a Equinet Properties, is individually liable for the infringing activities described herein.

9. Upon information and belief, at all relevant times Defendant Amir Yerushalmi personally participated in and/or had the ability and right to supervise, direct, and control the infringing activities alleged in this Complaint.

FACTS

10. Plaintiff holds valid copyright registrations to the three (3) images (the “Images”) identified in Exhibit A; such registration numbers are listed in Exhibit A.

11. Plaintiff owns and operates a website located at the URL www.masterfile.com, whereby professional photo users are able to search its database of images in order to license selected images for an appropriate license fee.

12. On or about November 1, 2005, Plaintiff discovered that Defendants were displaying the Images on the Website owned by Defendants.

13. Defendants infringed Plaintiff’s copyrights in the Images by reproducing and publicly displaying the Images on Defendants’ website for advertising purposes. Defendants are not, and have never been, licensed or otherwise authorized to reproduce, display, distribute or use the Images.

14. Upon information and belief, the Website is located on the World Wide Web and accessible throughout the world, including the State of New York, via the Internet.

15. Plaintiff notified Defendants that Defendants’ unauthorized use of the Images violate Plaintiff’s exclusive rights as copyright owner pursuant to 17 U.S.C §106, and gave Defendants an opportunity to enter into a retroactive licensing agreement or make payment for Defendants’ past unauthorized use prior to instituting the present action. However, despite Plaintiff’s repeated requests for payment, Defendants refused to rectify their infringing conduct.

C. Direct Defendants to account for and relinquish to Plaintiff all gains, profits, and advantages derived by Defendants through Defendants' infringement of Plaintiff's copyrights.

D. Direct Defendants to pay to Plaintiff such damages, including statutory damages of up to \$150,000 per Image, as Plaintiff is entitled to as a consequence of Defendants' infringement of Plaintiff's copyrights in its Images.

E. Award to Plaintiff the costs of this action together with reasonable attorney's fees.

F. Award to Plaintiff prejudgment interest on the amount of the award to Plaintiff, and;

G. Award to Plaintiff such other and further relief as the Court may deem just and proper.

Dated: New York, New York
September 19, 2007

Respectfully Submitted,

COWAN, DEBAETS,
ABRAHAMS, & SHEPPARD, LLP


By: 
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ATTORNEYS FOR PLAINTIFF

EXHIBIT A

Image Code	Copyright Registration	Effective Date
700-48718	VA 1-091-282	January 25, 2001
700-58054	VA 1-090-598	July 20, 2001
700-58061	VA 1-090-598	July 20, 2000